

Panama Canal Regulations

§ 60.12

Officer, respectively, for all classified information up to and including Secret.

(c) The Director, Office of Executive Administration shall act on all suggestions and complaints received by the Commission with respect to the administration of Executive Order 12356 and this part, and may also recommend to the Deputy Administrator appropriate administrative actions or sanctions to correct abuse or violation of any provision of that Order or directives under it. The Director of the Information Security Oversight Office shall be promptly informed by the agency when such violations occur.

(d) To the extent required by applicable laws and agency regulations, the Deputy Administrator shall report to the Attorney General evidence reflected in classified information of possible violations of Federal criminal law by an agency employee and of possible violations by any other person of those Federal criminal laws specified in guidelines adopted by the Attorney General.

(e) When the Commission is the agency of primary interest, following an inadvertent or unauthorized publication or disclosure of information identical or similar to information that has been classified in accordance with the Executive Order 12356 or predecessor orders, the Director, Office of Executive Administration shall determine the degree of damage to the national security, the need for continued classification, and, in coordination with the agency in which the disclosure occurred, what action must be taken to prevent similar occurrences, see § 60.17.

[53 FR 7894, Mar. 11, 1988, as amended at 56 FR 59883, Nov. 26, 1991]

§ 60.12 Mandatory review for declassification.

(a) Any United States citizen, permanent resident alien, federal agency, or the government of a U.S. state or municipality may request that classified information be reviewed for declassification by the originating agency and released. Such requests must be submitted in writing to the Chief, Administrative Services Division, Panama Canal Commission, Unit 2300, APO AA 34011-2300 (or Panama Canal Com-

mission, Balboa Heights, Republic of Panama). In accordance with section 9701 of title 31, United States Code, fees may be applied to any requests for declassification and release. A request need not identify the information requested by date or title, but must describe the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort. Whenever a request is deficient in its description of the information sought, the Chief, Administrative Services Division shall notify the requester that, unless additional identifying information is provided or the scope of the request is narrowed, the Commission will take no further action on the request.

(b) When the Commission receives any request for documents in its custody that were classified by another agency, it shall refer copies of the request and the requested documents to the originating agency for processing, and may, after consultation with the originating agency, inform the requester of the referral. In cases in which the originating agency determines in writing that a response is required, it is the responsibility of the referring agency to respond to the requester.

(c) When another agency refers a request to the Commission for review because the Commission originally classified the information requested, the Commission shall treat the request as though it were submitted directly to it under paragraph (a) of this section. The Commission shall send its decision directly to the requester and shall, if so requested, notify the referring agency of its decision on the request and on the appeal, if any.

(d) Requests for classification review made under paragraph (a) of this section shall be promptly acknowledged by the Chief, Administrative Services Division and then forwarded to the official who originally classified the document, or that official's successor, or when appropriate to an official designated by an official listed in § 60.4(a), who, in coordination with the Chief, Administrative Services Division, shall

decide whether the requested information may be declassified, see § 60.7 and § 60.9.

(1) Unless withholding is otherwise warranted under applicable law, any information which may be declassified shall normally be forwarded to the requester within sixty (60) days after receipt of a proper request. If additional time is needed to locate or review the requested information, the Chief, Administrative Services Division will notify the requester accordingly. Except in unusual circumstances, a decision will be made within one year of receipt of the request.

(2) When information cannot be declassified in its entirety, a reasonable effort will be made, consistent with other applicable law, to release those portions of the requested information that constitute a coherent segment.

(3) Upon the denial or a partial denial of a request, the Chief, Administrative Services Division shall reply to the requester and provide a brief statement of the reasons for the denial, a notice of the right to appeal the decision to the Director, Office of Executive Administration and a notice that the appeal must be in writing and must be received by the Commission within sixty (60) days of receipt of the decision letter by the requester. Appeals should be addressed to: Director, Office of Executive Administration, Panama Canal Commission, Unit 2300, APO AA 34011-2300 (or Panama Canal Commission, Balboa Heights, Republic of Panama).

(e) Within thirty (30) days after its receipt of a proper appeal against an initial decision not to declassify information, the Director, Office of Executive Administration shall make and dispatch the decision whether the information should be declassified. If the Director, Office of Executive Administration is the original classification authority of the information under appeal, the Deputy Administrator shall determine whether the information may be declassified. The Director, Office of Executive Administration shall, after the decision, promptly make available to the requester any information that is declassified and which is otherwise releasable. If continued classification of the requested information is necessary, the requester shall be no-

tified of that decision and the reasons therefor. If requested, the appeal determination shall also be communicated to any referring agency.

(f) The classification reviews made in response to requests and appeals under this section are in addition to the systematic review of classified information prescribed by Executive Order 12356 and 32 CFR part 2001.

(g) Requests for access to classified material submitted under the Freedom of Information Act or the Privacy Act of 1974 (5 U.S.C. 552 and 552a) shall be processed in accordance with parts 9 and 10 of 35 CFR, and shall be subject to the same review criteria for declassification as requests submitted under paragraphs (a) through (d) of this section. In response to a request for information under the Freedom of Information Act, the Privacy Act of 1974, or the mandatory review provisions of this Order, the Commission shall refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classifiable under Executive Order 12356 or 32 CFR part 2001.

[53 FR 7894, Mar. 11, 1988, as amended at 56 FR 59883, Nov. 26, 1991; 59 FR 26123, May 19, 1994]

§ 60.13 Custody and storage.

(a) Classified information shall be protected in accordance with applicable National Security Council directives or directives promulgated by the Information Security Oversight Office and approved by the National Security Council.

(b) Each bureau director and chief of an independent unit (or classified security control officer as designated by the Director, Office of Executive Administration) shall be responsible for assuring that all classified information within that official's organization is used, processed, stored, and transmitted only under conditions which will provide adequate protection and prevent access by, or dissemination to, unauthorized persons. Containers, vaults, alarm systems, and associated security devices procured after the effective date of this part for the storage and protection of classified information